

**BOARD OF APPEALS CASE NO. 4801**

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**BEFORE THE**

**APPLICANT: Stephen Jay Wagner**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to permit an existing  
carport located within the side yard  
setback; 28 Neptune Drive, Joppa**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 3/18/98 & 3/25/98**

**HEARING DATE: May 27, 1998**

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**Record: 3/20/98 & 3/27/98**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Stephen Jay Wagner, appeared before the Hearing Examiner requesting a variance to Section 10.05 of Ordinance 6, for an existing carport closer than the allowed 10 feet and total side yards of 22 feet in an R3/CDP District.

The subject parcel is located at 28 Neptune Drive in the First Election District. The parcel is identified as Parcel No. 144, in Grid 1-A, on Tax Map 69. The parcel contains .323 acres, more or less, all of which is zoned R3/CDP.

Mr. Stephen Jay Wagner appeared and testified that the subject parcel is improved by a single-family dwelling, occupied by himself and his family, and a storage shed with dimensions of 10 feet by 15 feet. The Applicant said that he constructed a carport in August 1996 and that he was not aware that he was required to obtain a permit for the carport. The Applicant said that the carport is 6 inches from the side property line. The Applicant that the dwelling is 14 feet from the side property line on the opposite side of the dwelling from the carport.

Mr. Wagner said he felt the property was unique because it is a waterfront property and also due to the exceptional narrowness of the parcel. The Applicant said that he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because he has discussed the proposal with his neighbors and none of his neighbors expressed concern.

Ms. Joan Siejack appeared and testified that she owns the parcel which adjoins the subject parcel on the side where the Applicant constructed the carport. Ms. Siejack said she did not feel that approval of the variance would adversely impact her property.

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The Staff Report of the Department of Planning and Zoning did not make a recommendation but suggests conditions if the variance is approved.

### **CONCLUSION:**

The Applicant is requesting a variance to Section 10.05 of Ordinance 6, which requires a minimum 10 foot side yard setback on either side of the dwelling and a combined setback of 22 feet on both sides of the dwelling. The Applicant is proposing 6 inches on the side of the dwelling where the carport was constructed and 14 feet on the opposite side of the dwelling.

The Applicant testified the subject parcel is unique because it is a waterfront parcel and is exceptionally narrow in comparison to the depth of the parcel. The parcel is 58 feet in width and 235 feet in depth.

The owner of the adjoining parcel most impacted by the carport appeared and testified that she did not feel the variance would be detrimental to her property.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

The variance shall be subject to the following conditions:

1. The Applicant shall obtain all necessary permits and inspections for the existing carport.
2. The Applicant shall submit a landscaping plan to the Department of Planning and Zoning for review and approval, reflecting mitigation measures to reduce the impact of the additional impervious surface prior to the issuance of a building permit.

Date JUNE 25, 1998

L. A. Hinderhofer  
Zoning Hearing Examiner